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PATENT  
ATTORNEY DOCKET: 46884-5465

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hiroya KOBAYASHI, et al. ) Confirmation No.: 9269  
)  
Application No.: 10/573,467 ) Group Art Unit: 2822  
)  
Filed: April 13, 2007 ) Examiner: Paul E. Patton  
)  
For: SEMICONDUCTOR DEVICE AND )  
METHOD FOR MANUFACTURING )  
THE SAME )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Action, a Notice of Allowance, or another action that closes prosecution in the above-referenced application. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00, as specified by § 1.17(p).

A European Search Report dated August 28, 2008 that issued in a European Patent Application and having documents cited therein is attached for the Examiner's consideration.

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The relevance of the attached foreign language document can be understood from the attached English-language abstract, and/or from the citation of the document in the attached European Search Report dated August 28, 2008.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and a copy of the listed non-U.S. patent document is also attached hereto.

While the European Search Report dated August 28, 2008 additionally cites to European Patent Application Laid-Open No. EP1154457, Japanese Patent Application Laid-Open No. 2000-228573, and US Patent No. US5818113, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on September 8, 2008.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: October 7, 2008

By:



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